



Delaware House of Representatives House Majority Caucus

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REP. LONGHURST, AG BIDEN INTRODUCE BILL TO PROTECT VULNERABLE AND INFIRM ADULTS

*HB 348 would create enhanced penalties for crimes committed
against at-risk adults and seniors*

DOVER – Taking steps to protect Delaware’s most vulnerable residents and add protections for seniors, House Majority Whip Rep. Valerie J. Longhurst and Attorney General Beau Biden unveiled legislation on Tuesday that would create enhanced penalties for those who commit crimes against a vulnerable or infirm adult.

House Bill 348 would increase the penalties for more than 60 offenses if those crimes are committed against someone determined to be a vulnerable or infirm adult. In most cases, the charges would be increased by one class, such as a class A misdemeanor becoming a class G felony, a class G felony becoming a class F felony, and so on. Class A and B felonies would remain the same grade, but the minimum sentence of imprisonment required by law for the offense would be doubled.

“People who have physical or mental limitations or disabilities face a much greater risk of someone taking advantage of them,” said Rep. Longhurst, D-Bear. “No one should have to live in fear of being targeted because of their personal situation. Those who commit these crimes are just preying on the vulnerable, and they should face tougher punishment.

“It’s my hope that these new penalties serve as a warning to people that we aren’t going to tolerate this and that the enhanced penalties protect our vulnerable and elderly populations.”

HB 348 creates a new criminal offense, crime against the vulnerable or infirm, which imposes enhanced penalties for 61 offenses, including reckless endangering, assault, abuse of a pregnant female, terroristic threatening, unlawful sexual contact, fraud, rape, robbery, burglary, identity theft and forgery.

Attorney General Biden said that the new law would provide protection to a segment of Delaware's population that has never before benefited from added safeguards under the law: the vulnerable adult. A vulnerable adult is particularly susceptible to being victimized by criminals, and is defined as anyone over 18 years of age who due to coercion, intimidation, fear or dependency, or by reason of mental or physical limitations, or mental illness or disability, can be influenced to act in a manner inconsistent with the person's own interests regarding his or her own person or property.

Infirm adults have been previously defined under Delaware law as individuals who are 18 years of age or older who because of a physical or mental disability are substantially impaired in the ability to provide adequately for their own care and custody.

"Crimes against vulnerable Delawareans are particularly reprehensible," Attorney General Biden said. "Armed with this statute, we will continue to seek more stringent penalties against those who prey on those who cannot protect themselves."

Susan Del Pesco, director the state Division of Long Term Care Residents Protection, helped craft the legislation. A retired Superior Court judge, she said vulnerable adults are individuals who, because of intimidation, fear or dependency, become prey to others.

"Vulnerable adults are provided extra protection by increasing the criminal penalty when they are the victims of a wide range of crimes," Judge Del Pesco said. "Our criminal code currently provides increased penalties for a number of crimes, such as felony theft and first-degree burglary, but Rep. Longhurst recognized that there are many other crimes for which an increased penalty is not available. This statute represents a comprehensive review of the criminal code in order to provide stronger penalties across the board when vulnerable adults are the victims of crime."

The bill, which was filed on Wednesday, has 12 co-sponsors in the House. Sen. Bethany Hall-Long, D-Middletown, is the prime Senate sponsor of the legislation.

"As a senator and a nurse, I am very pleased to sponsor this critical legislation that will help to safeguard those in our state who most deserve our care and attention," Sen. Hall-Long said. "Unfortunately, vulnerable adults can frequently become targets for exploitation – either physical, mental or financial. By passing this important legislation and raising these penalties we protect the most at-risk in our communities."

House Bill 348 has been assigned to the House Judiciary Committee.

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